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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22801 7590 01/29/2010

LEE & HAYES, PLLC  
601 W. RIVERSIDE AVENUE  
SUITE 1400  
SPOKANE, WA 99201

EXAMINER

DUFFIELD, JEREMY S

ART UNIT

PAPER NUMBER

2427

DATE MAILED: 01/29/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,847	06/24/2003	Li-Wei He	MS1-1544US	9281

TITLE OF INVENTION: VARIABLE PLAY SPEED CONTROL FOR MEDIA STREAMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/29/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,847	06/24/2003	Li-Wei He	MS1-1544/US	9281

TITLE OF INVENTION: VARIABLE PLAY SPEED CONTROL FOR MEDIA STREAMS

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/29/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
DUFFIELD, JEREMY S	2427	725-090000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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			ART UNIT	PAPER NUMBER
			2427	

DATE MAILED: 01/29/2010

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1196 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1196 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

## Application No.

10/602,847

## Examiner

JEREMY DUFFIELD

## Applicant(s)

HE ET AL.

## Art Unit

2427

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed 02 September 2009.
2. ☒ The allowed claim(s) is/are 1-9,11-38, 40,42, 43, 45-48 and 50-74.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kayla Brant on 11 January 2010.

The application has been amended as follows:

1. (Currently Amended) A computer-readable storage medium encoded with instructions that, when executed, direct a computer to perform a method, the method comprising:

indicating via a graphical user interface, a range of accelerated bit rates at which media content may be received from a source;

requesting the media content from the source at an accelerated bit rate selected from the range of accelerated bit rates, the accelerated bit rate being a rate that exceeds a normal playback rate;

receiving a media stream at the accelerated bit rate, wherein the media stream is an uninterrupted data stream of the media content that has no intentionally dropped data; and

rendering all content in the media stream at the accelerated bit rate; and

partially enabling, enabling, and disabling variable play speed controls depending on the source.

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

9. (Currently Amended) A computer-readable storage medium encoded with instructions that, when executed, direct a computing system to perform a method comprising:

receiving previously stored, non-live media content via a media stream;

determining a source of the media stream;

determining if the source can deliver the media stream at an accelerated bit rate designated by a user; and

partially enabling, enabling and disabling variable play speed controls depending on the source ~~and on whether the source can deliver the media stream at the accelerated bit rate,~~

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

10. (Canceled)

23. (Currently Amended) A computer-readable storage medium encoded with instructions that, when executed, direct a computing system to perform a method, the method comprising:

determining a media source of a media file, the media file comprising a local media file, a progressive download media file from a web server, or a media stream from a streaming media server;

presenting via a graphical user interface, a variable play speed control that indicates a range of recommended non-real-time bit rates;

sending a request to the media source to deliver the media file at a non-real-time bit rate selected by a user from the range of recommended non-real-time bit rates;

altering an appearance of the variable play speed control at the user graphic interface to indicate whether the variable play speed control is disabled, partially enabled or fully enabled;

in an event that the media source is the local media file,  
fully enabling the variable play speed control;

in an event that the media source is the progressive downloaded media file from the web server,  
initially disabling the variable play speed control;

measuring an average rate at which the media file is being progressively downloaded from the web server;

partially enabling the variable play speed control to permit the user to request a non-real-time bit rate that does not exceed the average rate;

fully enabling the variable play speed control when the media file has been downloaded; and in an event that the media source is the media file from the streaming media server,

determining if the media source and a network link can support the non-real-time bit rate without intentionally dropping data from the media content;

in an event that the media source and the network link can support the non-real-time bit rate,

enabling the variable play speed control; and

receiving and playing back the media content at the non-real-time rate;

in an event that the media source and the network link cannot support the non-real-time bit rate,

disabling the variable play speed control ~~of the client device~~;

caching the media stream at ~~the a~~ client device;

measuring an allowable rate at which the media file is being downloaded from the streaming media server;



partially enabling the variable play speed control to permit the user to request a non-real-time bit rate that does not exceed the allowable rate; and  
fully enabling the variable play speed control once the cached media stream can enable the non-real-time bit rate.

30. (Currently Amended) A computer-readable storage medium encoded with instructions that, when executed, direct a computing system to perform a method comprising:

streaming a media stream to a client at a real time rate;

receiving a request from the client to deliver the media stream at an accelerated bit rate;

delivering the media stream to the client at the accelerated bit rate when the accelerated bit rate is within a delivery bit rate limitation, wherein no data is intentionally dropped from the media stream to achieve the accelerated bit rate; and

delivering a video portion of the media stream and stopping delivery of an audio portion of the media stream to the client when the accelerated bit rate exceeds the delivery bit rate limitation, thereby enabling the client to display the video portion of the media stream at the accelerated bit rate; and

partially enabling, enabling, and disabling variable play speed controls depending on a source of the media stream.

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

34. (Currently Amended) A client computer comprising a media player, the media player comprising

variable play speed controls configured to partially enable, enable and disable variable playback speed controls for playing a media stream depending on a source of the media stream ~~and on whether the source can deliver the media stream at a requested bit rate, without intentionally dropping data from the media stream to enable delivering the media stream at the requested rate,~~

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

39. (Canceled)

40. (Currently Amended) A client computer comprising a media player, the media player comprising:

controls for varying playback speed of a media stream, the controls comprising:

a play speed control configured to vary a playback rate of the media stream between a rate that is less than a real time rate and a rate that is greater than the real time rate;

a fast forward control configured to increase the playback rate of the media stream to a rate that exceeds the real time rate;

a rewind control configured to decrease the playback rate of the media stream to a negative rate;

a seek control configured to access a particular playback location within the media stream;

a next frame control configured to step the playback rate of the media stream forward one video frame at a time; and

a previous frame control configured to step the playback rate of the media stream backward one video frame at a time; and

a playback module configured to partially enable, enable and disable the controls to reflect a current play speed control capability, the current play speed control capability determined by the playback module according to a source of the media stream ~~and whether the source can deliver the media stream at an accelerated bit rate designated by a user without intentionally dropping data from the media stream.~~

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

41. (Canceled)

44. (Canceled)

45. (Currently Amended) A computer comprising:

means for indicating via a graphical user interface, a range of accelerated bit rates at which media content may be displayed;

means for requesting media content at an accelerated bit rate selected from the range of accelerated bit rates from a source;

means for receiving a media data stream from the source at the accelerated bit rate, wherein the media data stream has no intentionally dropped data of the media content; and

means for rendering all content in the media data stream at the accelerated bit rate;

partially enabling, enabling, and disabling variable play speed controls depending on the source.

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

48. (Currently Amended) A computer comprising:

means for receiving a media stream;

means for determining a source of the media stream;

means for determining if the source can deliver the media stream at an accelerated bit rate without intentionally dropping data from the media stream;  
and

means for partially enabling, enabling and disabling variable play speed controls depending on the source ~~and on whether the source can deliver the media stream at the accelerated bit rate.~~

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

49. (Canceled)

59. (Currently Amended) A computer comprising:

means for sending a request to a media source to stream media content from a media file at a non-real-time bit rate;

means for determining if the media source and a network link can support the non-real-time bit rate without intentionally dropping data from the media content;

means for receiving and playing back the media content at the non-real-time bit rate if the media source and a network link can support the non-real-time rate without intentionally dropping data from the media content; ~~and~~

means for receiving only video data and stopping receipt of audio data of the media stream if the media source and a network link cannot support the non-real-time rate without intentionally dropping data from the media content, thereby enabling playback of the video data of the media stream at the non-real-time bit rate; and

partially enabling, enabling, and disabling variable play speed controls depending on the source,

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

64. (Currently Amended) A streaming media server comprising:

means for streaming a media stream to a client at a real time rate;

means for receiving a request from the client to deliver the media stream at an accelerated bit rate;

means for delivering the media stream to the client at the accelerated bit rate when the accelerated bit rate does not exceed a delivery bit rate limitation, without intentionally dropping data to achieve the accelerated bit rate; ~~and~~

means for delivering only key video frames and synchronized text captions that occur with the key video frames of the media stream to the client, when the accelerated bit rate exceeds the delivery bit rate limitation, to still enable the client to display the media stream at the accelerated bit rate; and

partially enabling, enabling, and disabling variable play speed controls depending on a source of the media stream,

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

67. (Currently Amended) A streaming media server comprising  
a variable speed streaming module configured to indicate a range of allowable accelerated bit rates and receive a request to stream media content at an accelerated bit rate in the range of allowable accelerated bit rates and to stream the media content at the accelerated bit rate without dropping any data

from the media content, the accelerated bit rate being a rate that exceeds a real time playback rate of the media content; and

partially enabling, enabling, and disabling variable play speed controls depending on a source of the media content,

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media content without intentionally dropping portions of the media content.

69. (Currently Amended) A method comprising:

indicating via a graphical user interface, a range of accelerated bit rates for displaying media content;

rendering a stream of media at a real time playback rate;

receiving a request to render the stream of media at an accelerated bit rate in the range of accelerated bit rates;

sending a request to have the stream of media delivered at the accelerated bit rate;

receiving the stream of media at the accelerated bit rate, wherein the stream of media that is received at the accelerated bit rate has no intentionally dropped data; and

rendering the stream of media at the accelerated bit rate; and



partially enabling, enabling, and disabling variable play speed controls depending on a source of the media stream,

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

72. (Currently Amended) A method comprising:

receiving a media stream from a source;

determining the source of the media stream;

determining if the source can deliver the media stream at an accelerated bit rate without intentionally dropping data from the media stream; and

partially enabling, enabling or disabling variable play speed controls depending on the source ~~and on whether the source can deliver the media stream at the accelerated bit rate without intentionally dropping data from the media stream,~~

wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content.

***Allowable Subject Matter***

2. Claims 1-9, 11-38, 40, 42, 43, 45-48, and 50-74 are allowed.

The following is an examiner's statement of reasons for allowance:

The examiner concludes that the prior art does not teach alone or in combination all the limitations of claims 1-9, 11-38, 40, 42, 43, 45-48, and 50-74. In particular, the prior art does not teach "wherein the partially enabling, enabling, and disabling comprises enabling the variable play speed controls such that any play speeds that are enabled do not exceed a maximum accelerated bit rate at which the source can deliver the media stream without intentionally dropping portions of the media content," as stated in claim 1 and similar limitations in claims 9, 23, 30, 34, 40, 45, 48, 59, 64, 67, 68, and 72. The prior art teaches enabling or disabling play speeds based on whether the video is live or based on whether enough data is buffered at the receiver to provide the video at an increased speed. The prior art does not teach partially enabling, enabling, and disabling the play speeds so that a requested accelerated bit rate does not intentionally cause data to be dropped from the audio-video program.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Look (US 6,757,906) teaches a television viewer interface that allows the viewer to access different functions. The interface displays multiple rates of fast-forward and rewind for use with the currently-displayed video (Fig. 27).

De Lang (US 6,020,912) teaches a video-on-demand system in which a user is able to choose from among three possible user interfaces. The most expensive interface includes displaying multiple rates of fast-forward (Fig. 3).

Gibbon (US 5,874,986) teaches an audio-visual system that discards the audio portion of an audio-visual program and view representative frames of the program along with synchronized closed-captioning text.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Fri. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

19 January 2010  
JSD

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427